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14 Attorneys for Plaintiff JENS ERIK SORENSEN,  
15 as Trustee of SORENSEN RESEARCH AND  
16 DEVELOPMENT TRUST

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of ) Case No. 08cv1256 BTM CAB  
SORENSEN RESEARCH AND )  
DEVELOPMENT TRUST, )  
Plaintiff ) **PLAINTIFF'S REPLY TO**  
v. ) **COUNTERCLAIMS**  
CONAIR CORPORATION, a Delaware )  
Corporation; and DOES 1 – 100, )  
Defendants. )  
and related counterclaims. )  
\_\_\_\_\_  
)

1 Plaintiff/Counterdefendant Jens Erik Sorensen as Trustee of Sorensen  
 2 Research and Development Trust (“SRDT”), hereby respectfully replies to the  
 3 specific numbered paragraphs identified of the Counterclaims of  
 4 Defendant/Counterclaimant Conair Corporation (“CONAIR”) set forth in Docket  
 5 #13<sup>1</sup> as follows:

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7 **COUNTERCLAIMS**

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10 1. Upon current information and belief, admit.

11 2. Admit.

12 **JURISDICTION AND VENUE**

13 3. Admit.

14 4. Admit proper venue and personal jurisdiction of this Court over SRDT,  
 otherwise deny.

15 **COUNT I**

16 5. Plaintiff SRDT incorporates by reference the responses to paragraphs 1  
 17 through 4 as though fully set forth herein.

18 6. Deny.

19 7. Deny.

20 8. This claim is not a factual assertion, therefore it can not be admitted or  
 21 denied. However, SRDT denies Lexar’s entitlement to requested declarations.

22 **COUNT II**

23 9. Plaintiff SRDT incorporates by reference the responses to paragraphs 1  
 24 through 8 as though fully set forth herein.

25 10. Deny.

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27 <sup>1</sup> Counterclaims were filed earlier at Docket #10, but appear to have been  
 28 superceded by Docket #13, and thus only the allegations of Docket #10’s Counterclaim are  
 being answered.

11. This claim is not a factual assertion, therefore it can not be admitted or denied. However, SRDT denies Lexar's entitlement to requested declarations.

## **PRAYER FOR RELIEF**

**WHEREFORE**, SRDT prays that judgment on CONAIR be entered as follows:

- a. For judgment in favor of SRDT and against CONAIR on all requested relief;
- b. That this case be decreed an “exceptional case” and SRDT is awarded reasonable attorneys’ fees by the Court pursuant to 35 U.S.C. § 285;
- c. For costs of suit herein incurred;
- d. For such other and further relief as the Court may deem just and proper.

DATED this Tuesday, September 02, 2008.

JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND DEVELOPMENT  
TRUST, Plaintiff

/s/ Melody A. Kramer

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Melody A. Kramer, Esq.

J. Michael Kaler

Attorney for Plaintiff

## PROOF OF SERVICE

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Tuesday, September 02, 2008, I served the following documents:

## **PLAINTIFF'S REPLY TO COUNTERCLAIMS**

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Allison H. Goddard Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 agoddard@jaczkogoddard.com	Defendant Conair Corporation	Email--Pleadings Filed with the Court
Dean D. Niro Robert A. Conley Niro, Scavone, Haller & Niro 181 West Madison, Suite 4600 Chicago, Illinois, 60602 rconley@nshn.com dniro@nshn.com	Defendant Conair Corporation	Email--Pleadings Filed with the Court

(Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.

(Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed this document via the CM/ECF system for the United States District Court for the Southern District of California.

I declare that the foregoing is true and correct, and that this declaration was executed on  
Tuesday, September 02, 2008, in San Diego, California.

/s/ Melody A. Kramer  
Melody A. Kramer